

Rejection under 35 U.S.C. § 112, first paragraph

Claim 1 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner maintains that the specification discloses projections formed on the inside surface of a cover to correspond to electrodes of a battery, but does not disclose that projections are formed on the outside surface of a cover to correspond to the electrodes, as recited in claim 1.

However, Applicant submits that the specification clearly discloses that projections formed on the outside surface of a cover correspond to electrodes of the batteries. For example, the non-limiting embodiment shown in Fig. 1 is disclosed as having a plurality of shock-absorbing ribs 2 formed on the outer surface of battery cover 1 (pg. 17, lines 7-14). The specification further discloses that ribs 2 (which are formed on the outer surface of battery cover 1) are formed so as to be disposed at positions corresponding to the electrodes of the battery (pg. 19, lines 5-8).

Based on the foregoing, Applicant submits that the specification clearly provides support for the features of claim 1. During a telephone interview with the Examiner on December 16, 2003, the Examiner indicated that the cited portions of the specification appear to overcome the rejection, but that she would further consider upon receipt of Applicant's formal Response. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the "new matter" rejection.

Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 5,800,942 to Hamada et al. (“Hamada”)

Claims 11 and 12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hamada.

A. Claim 11

Applicant submits that claim 11 is patentable over the cited reference. For example, claim 11 recites a battery cover having at least one projection formed on an inner surface, and a fixing member engaged with an electrode of a battery. The projection extends in a direction towards the fixing member, and can abut against the fixing member.

The Examiner maintains that Hamada discloses the above features. In particular, the Examiner maintains that recesses 17d disclose the claimed projection, and anchor nuts 6c disclose the claimed fixing member (Fig. 1 and 11). However, as stated in Hamada, recesses 17d accommodate anchor nuts 6c within the recesses 17d (col. 13, lines 45-51). As set forth in the August 18, 2003 Amendment, recesses 17d form an indentation or depression in top panel 18, rather than a projection which extends towards anchor nut 6c, as recited in claim 11.

In response to the above argument, the Examiner maintains that the “walls” of recess 17d are considered projections, that extend toward nut 6c. However, even if Applicant assumes that the walls of recess 17d are considered projections, they do not extend “towards” anchor nut 6c. Rather, as stated above, recess 17d “accommodates” anchor nut 6c within the recess. Therefore, recess 17d has to extend away from anchor nut 6c. Otherwise, anchor nut 6c would not fit inside

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recess 17d, as intended by the reference. Accordingly, Applicant submits that claim 11 is patentable over Hamada, and respectfully requests the Examiner to reconsider and withdraw the rejection.

During a telephone interview with the Examiner on December 16, 2003, the Examiner indicated that she will reconsider the rejection of claim 11 based on the comments set forth above. In addition, the Examiner indicated that she will call the undersigned if any amendments need to be made to claim 11, via an Examiner's Amendment, for clarification purposes.

B. Claim 12

Since claim 12 is dependent upon claim 11, Applicant submits that such claim is patentable at least by virtue of its dependency.

Rejection under 35 U.S.C. § 102(b) in view of U.S. Patent No. 4,400,449 to Henk ("Henk")

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Henk. However, Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that a plurality of shock-absorbing ribs are formed so as to be disposed at positions respectively corresponding to a plurality of electrodes of the at least one battery.

In response to the arguments presented in the August 18, 2003 Amendment, the Examiner states that the rejection of claim 1 is maintained since claim 1 was rejected under 35

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U.S.C. § 112, first paragraph, as containing new matter. In particular, the Examiner maintains that ribs 43 of Henk disclose the claimed plurality of shock-absorbing ribs. However, as stated above, the features of claim 1 are clearly supported by the specification. Therefore, Applicant again submits that Henk fails to teach or suggest that ribs 53 are formed at positions respectively corresponding to a plurality of electrodes of a battery (Fig. 5; col. 9, lines 4-22).

In addition, during the telephone interview with the Examiner on December 16, 2003, the Examiner acknowledged that claims 9 and 10 should not have been rejected under 35 U.S.C. § 102(b) since they contain allowable subject matter. The Examiner indicated that such rejection was an inadvertent typographical error.

Allowable Subject Matter

As stated above, the Examiner has indicated that claims 2-10, 21 and 22 are allowed. Also, the Examiner maintains that claims 13-20 contain allowable subject matter, but are objected to as being dependent upon a rejected base claim.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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